



Election Modernization Committee

Date: **February 6, 2020**

Time: **7:30-9:00pm**

Location: **Lyons Conference Room, 2nd Floor, Arlington Town Hall**

Minutes

Attendance: Adam Badik, Greg Dennis, Walter Horn, William Logan, James O'Connor, Maxwell Palmer, Paul Raia, Jennifer Susse, Lesley Waxman

1. New member welcome

We welcomed Paul Raia, a new member of our committee designated by the Disabilities Commission. Paul is also a member of the Arlington High School Building Committee.

2. Review and Vote on Acceptance of Minutes for January 14, 2020

We reviewed the minutes from the January meeting and fixed one typographical error.

Jennifer made a motion to approve minutes. Max seconded. The minutes were approved unanimously.

3. Review of Correspondence received since last meeting

Jim reminded us that he emailed materials to us provided by Walter about approval voting. Jim asked that we all follow a similar process to distribute materials in the future: send them first to him, and he will distribute them to the committee.

4. Summary of Appearance before Select Board on January 27, 2020

Jim said that he and Greg appeared before the Select Board on January 27 to request that the Board insert our articles in the warrant on our behalf. The Board voted unanimously to do so.

5. Update of Envision Arlington Town-Wide Survey Results

Max presented some preliminary results of the survey. In the preliminary results, the vast majority of respondents reported no difficulty voting. The most notable issue was difficulty parking at a few polling locations. About 15% of respondents who vote at Peirce and about 10% of those who vote at Chestnut Manor reported difficulty parking. Adam advised that we not

downplay issues affecting a small percentage of voters, as improving turnout by even a small percentage would be an important achievement.

Paul noted that we may not know what fraction of respondents have disability issues. Greg asked whether there were any demographic questions on the survey that might give us an indication of that. Max said there is an age question, so we could look at the responses broken down by age. He then looked up those numbers and said there were no big differences in reported difficulty across age groups.

Jim reminded us that it is the Select Board that ultimately chooses the polling locations, although we can provide them a recommendation. Lesley said that there are not a great number of ADA compliant locations suitable for polling places. Greg noted that the Gibbs could potentially reopen as a polling place now, which some community members have advocated. Adam said there may be solutions beyond moving polling places, such as changes in parking rules and enforcement on election days.

Walter asked whether the town makes rides available to voters on election day for those that need one. Jim said that the League of Women Voters regularly gives rides to anyone who requests. Patti Muldoon from the League of Women Voters was present at the meeting and confirmed this was true.

Max shows us a graph of the responses to the question about lowering the voting age for town elections. The graph showed support for lowering the voting age dropping significantly as the age of the respondent increased.

Jennifer said she was working on a narrative based on the survey data to present to us at a future meeting.

6. Development of Report to ATM on Warrant Articles Submitted.

(i). Election Modernization Committee Structure and Membership

Greg presented a draft motion that made three notable changes to the 2019 vote that established the committee. First, it extended the life of the committee for an additional year. Second, it gave voting privileges to all members. Third, it gave boards and commissions who appoint representatives to the committee the freedom to designate someone who is not necessarily a member of their board. Currently, if a committee members resign from an appointing board, they are required to also resign from the committee, even if the board wishes they continue to represent them on our committee, and the third change addresses that.

Greg said that although he favors extending voting privileges to all members, he remains concerned that some of the new voting members won't show and meetings may fall short of quorum. Though he did think the proposed appointing freedom will help ensure boards can appoint motivated members. Adam and Jennifer said given the attendance at the current meeting, they didn't see a significant risk that we would not reach quorum.

Jim expressed interest in eliminating the end date on the committee altogether. Jennifer said that an indefinite end date may lack a sense of urgency to get things done now or may lead to members getting burnt out. Walter suggested that we have term lengths. Jim said that most committees have 3-year terms. Lesley said that if we extended the committee for 2 years then each of us will have effectively served a 3-year term. There was agreement that extending the committee for 2-years until the 2022 Town Meeting made sense.

Patti Muldoon, Vice-President of the League of Women Voters, asked and was granted permission to speak. She said she would like a seat on the board given to the League of Women Voters. Jennifer said she liked that idea and would add a resident under the age of 25. Adam said that the Town Moderator already has a large number of appointees would prefer this additional member be appointed by the Select Board. There was agreement on giving a seat to the League of Women Voters and to an under 25 resident, appointed by the Select Board.

Greg read the current draft with the agreed-upon edits:

“VOTED: That Town Meeting hereby amends its vote on Article 36 of the 2019 Town Meeting, wherein the “Election Modernization Study Committee” was formed, by renaming the committee to the “Election Modernization Committee” and by extending the date of the Committee’s dissolution to the close of the 2022 Annual Town Meeting.

Further, the committee membership shall be changed to consist of the following fifteen (15) members, all of whom shall be voting members:

- The Town Clerk or their designee
- One member of the Board of Registrars or their designee, as determined by such Board;
- One member of the Select Board or their designee, as determined by such Board;
- The Town Moderator or their designee;
- One member of the School Committee or their designee, as determined by the Committee;
- One member of the Disability Commission or their designee as determined by the Commission;
- One representative of the Republican Town Committee;
- One representative of the Democratic Town Committee;
- Five residents to be appointed by the Town Moderator;
- One member of the Arlington League of Women Voters or their designee, as determined by that organization;
- One resident under the age of 25 to be appointed by the Select Board.”

A majority of the members of the Election Modernization Committee shall constitute a quorum.

Adam made a motion to submit this draft to Town Counsel for his review and edits. Max seconded. The motion was approved unanimously.

(ii). Consolidation of Town Meeting Member Elections

Greg presented a draft motion of a Home Rule Petition that amends the Town Manager Act to consolidate Town Meeting Member elections when there are vacant seats into a single election per precinct. He said he sourced the language from a combination of town charters that use the same procedure and from the relevant section of the Massachusetts General Laws (MGL).

There were questions about the language that specifies how ties are resolved. The draft read: "In case of a tie vote affecting the division of terms, the members elected from the precinct shall by ballot determine the same." Greg explained that the language is straight out of the MGL and other town charters, and it means all elected town meeting members in the precinct vote to break the tie during a precinct meeting, similar to how they fill vacancies by appointment today. Lesley suggested that the last word "same" should be replaced by "division." There was agreement that this would be clearer and preferable despite the precedent for "same."

Adam asked how ties for the shortest available term are resolved, when some of those tied will win seats and some won't. Greg said that is already governed by existing practice and so isn't addressed by the draft motion, which only includes the practices we are changing. Greg said he believes those ties are also determined in a precinct meeting today, but is unsure of the specifics like whether those precinct members not subject to the tie get to vote. Adam said although it is not a change in practice, we ought to codify it anyway as part of this motion. Greg said he would seek clarity on the question from Town Counsel and the Clerk's office.

The current draft motion to be submitted to Town Counsel for his review and edits:

"VOTED: That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO THE ELECTION OF TOWN MEETING MEMBERS"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by renumbering Sections 9 through 44, and all references thereto, as Sections 10 through 45, respectively, and by adding the following new Section 9.

Section 9. Election of Town Meeting

The election of the members of Town Meeting shall continue as presently provided subject to the following exception.

In the event of a vacancy or vacancies in the office of town meeting representative, the town clerk shall determine the number of full terms and the number of unexpired terms to be filled. The ballot shall indicate the total number of town meeting representatives to be elected, and the candidates shall be listed together on the ballot. The candidates receiving the highest number of votes shall be elected to the 3-year terms to be filled at the election; the candidates receiving the next highest number of votes shall be elected

to the 2-year terms to be filled at the election; and the candidates receiving the next highest number of votes shall be elected to the 1-year terms to be filled at the election. In case of a tie vote affecting the division of terms, the members elected from the precinct shall by ballot determine the division.

Section 2. This Act shall take effect upon its passage.”

(iii). Home Rule Legislation for Ranked Choice Voting for Town Wide Offices

Greg presented a draft motion that would enact Ranked Choice Voting (RCV) for all town offices except Town Meeting Member. He explained that the draft specifies RCV on terms of a few concise properties, rather than the fine-grained details, and that the language was drawn from a few different city charters and past legislation. He said he was unsure whether RCV could be described in general terms in the Town Manager Act or had to be spelled out explicitly. Lesley said it may at least require language that empowers the Town Clerk to determine those details. Greg said he would discuss that issue with Town Counsel.

There were some non-controversial edits to the text. Jim suggested rephrasing language about the applicable offices from “town office, with the exception of town meeting representative,” to “town-wide office.” Walter suggested striking a phrase about the effect of a voter’s lower-ranked choice. Lesley suggested striking a sentence that could be taken as a requirement that the ballot accommodate the ranking of all candidates. With these edits the draft text read:

“VOTED: That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO RANKED CHOICE VOTING”

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by renumbering Sections 10 through 44, and all references thereto, as Sections 11 through 45, respectively, and by adding the following new Section 10.

Section 10. Ranked Choice Voting

The method of casting and tabulating votes shall continue as presently provided subject to the following exception.

When the number of candidates for a town-wide office exceeds two and exceeds the number of seats to be filled, that office shall be elected by ranked choice voting. “Ranked choice voting” shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting elections shall be tabulated in rounds using the single transferable vote method, wherein winning thresholds are calculated based on the number of countable votes and the number of seats to be filled. A ranked choice voting ballot shall not interfere with a voter’s ability to rank write-in candidates.

Section 2. This Act shall take effect upon its passage.”

Greg made a motion to submit this draft to Town Counsel for his review and edits. Lesley seconded. The motion was approved unanimously.

7. New Business, Public Comment

Patti Muldoon from the League of Women Voters spoke in favor of converting the Town Clerk position from an elected to an appointed position. Patti Sawtelle, a candidate for Town Clerk in attendance, said she agreed with that position. Jennifer said she supported it as well.

8. Adjourn

Jennifer made a motion to adjourn. Lesley seconded. The motion was approved unanimously.

Meeting adjourned at 9:27pm.